



# **COMMONWEALTH of VIRGINIA**

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## **MEMORANDUM**

**TO:** L. RICHARD MARTIN, JR.  
Virginia Department of Social Services

**FROM:** ALLEN T. WILSON  
Assistant Attorney General

**DATE:** May 7, 2007

**SUBJECT:** Final Regulation 22 VAC 15-30-10 et seq.  
Standards for Licensed Child Day Centers

I have reviewed the attached final regulation to determine if the Child Day Care Council (“Council”) has the statutory authority to promulgate the final regulation and if this action by the Council is exempt from the Administrative Process Act (APA).

It appears that the Council has the authority to promulgate the final regulation, subject to compliance with the provisions of Article 2 of the APA, and has not exceeded that authority. The changes to the regulation are necessary to reflect the changes in Code by the adoption of Chapter 686 of the 2006 Acts of Assembly, which amended Virginia Code § 54.1-3408 relating to the administration of prescription medication in licensed child day centers; and Chapter 725 of the 2006 Acts of Assembly, which amended Virginia Code § 63.2-1715 relating to the exemption from licensure for programs of recreational activities attended by school age children and operated by local government. Pursuant to §§ 2.2-4006(A)(3) and 2.2-4006(A)(4)(a) of the Virginia Code, this action by the Board is exempt from the requirements of the APA.

If you have any questions, please feel free to call me at 786-0095.

Attachment